

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
THOMAS M. NAUGHTON, M.D., :
RESPONDENT. : **0006136**

Division of Legal Services and Compliance Case No. 17 MED 266

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Thomas M. Naughton, M.D.
13035 W. Weather Creek Ct
New Berlin, WI 53151

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Thomas M. Naughton, M.D. (DOB April 11, 1956), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 33299-20, first issued on June 24, 1992, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 13035 W. Weather Creek Court, New Berlin, Wisconsin 53151.

2. Between 2008 and 2013, Respondent was the primary care provider to Patient A, a male born in 1950.

3. Patient A was morbidly obese with a BMI in the low 40s. His blood glucose levels were normal until April 2008 when routine labs showed a random glucose of 206 and an A1C level of 6.3. Respondent took no action on the results.

4. During subsequent visits with Respondent in 2009 and 2010, Patient A's glucose levels were 98 and 156. Respondent offered education on obesity, which Patient A declined, but took no other action on the lab results.

5. During emergency room visits in 2010 for pneumonia and suspected toe infection, Patient A's non-fasting glucose levels were 173 and 298. Respondent saw Patient A in follow-up to the emergency room visits but did not address the hyperglycemia.

6. In 2011 and 2012, Patient A was treated for toe and peri-auricular infections. Respondent saw Patient A in April 2012 and testing reflected a glucose level of 382 and A1C level of 10.3. Respondent recommended Patient A see a diabetes education nurse, but Patient A did not make the appointment.

7. Respondent again saw Patient A in October 2012 and April 2013. Patient A's labs demonstrated glucose of 303 and A1C levels of 11 and 11.8. Respondent's charting reflects no new health concerns and does not address the glucose and A1C levels, or Patient A's failure to follow up with diabetes education as recommended.

8. In July 2013, Patient A's dentist referred him to primary care for elevated glucose levels. He received diabetic education and testing and began seeing a new primary care provider. The new provider diagnosed Patient A with peripheral neuropathy and microalbuminuria, and initiated therapeutic interventions for Patient A's diabetes mellitus. By 2014, Patient A's glucose and A1C levels had dropped.

9. On August 4, 2017, the Department requested that Respondent provide a written response detailing his treatment of Patient A no later than August 18, 2017. Respondent did not timely respond to the request.

10. On September 22, 2017, the Department requested that Respondent provide a written response detailing his treatment of Patient A no later than October 13, 2017, and Respondent submitted a response on that date.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Thomas M. Naughton, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med

10.02(2)(h) (Nov. 2002) by any practice or conduct which tends to constitute a danger to the health, welfare, or safety of patient or public.¹

3. By the conduct described in the Findings of Fact, Respondent Thomas M. Naughton, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(g) (Oct. 2013) by, after a request by the board, failing to cooperate in a timely manner with the board's investigation of a complaint filed against a license holder.

4. As a result of the above conduct, Thomas M. Naughton, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Thomas M. Naughton, M.D., is REPRIMANDED.
3. Within 90 days from the date of this Order, Thomas M. Naughton, M.D., shall pay COSTS of this matter in the amount of \$1,100.
4. Costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit payment online via DSPS' Monitoring Case Management System, here:
<https://app.wi.gov/DSPSMonitoring>

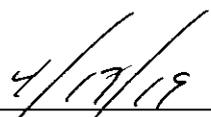
5. In the event Respondent violates any term of this Order, Respondent's license (no. 33299-20), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

¹ Code citation is to the version in effect at the time of the conduct at issue.

6. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board


Date

MAR 27 2019

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
DIVISION OF LEGAL SERVICES AND COMPLIANCE

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

:
:
:
:
:

STIPULATION

THOMAS M. NAUGHTON, M.D.,
RESPONDENT.

0006136

Division of Legal Services and Compliance Case No. 17 MED 266

Respondent Thomas M. Naughton, M.D. and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

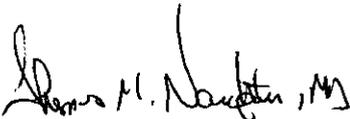
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Thomas M. Naughton, M.D., Respondent
13035 W. Weather Creek Ct
New Berlin, WI 53151
License no. 33299-20

5/24/19

Date

Joost Kap, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

Date

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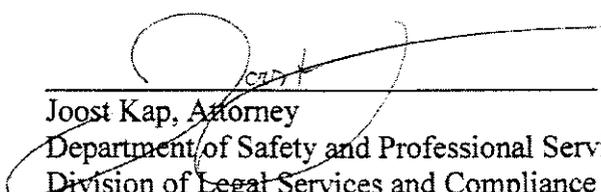
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

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8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Thomas M. Naughton, M.D., Respondent
13035 W. Weather Creek Ct
New Berlin, WI 53151
License no. 33299-20

Date



Joost Kap, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3/29/19

Date